

# EXHIBIT 13

for

For MOTION TO RECONSIDER THE  
ORDER/JUDGMENT UNDER DOCUMENT #300  
DENYING PETITIONER'S DOCUMENT #294:  
"MOTION FOR APPOINTMENT OF SPECIAL  
MASTER FOR PROCEEDINGS AND FINDINGS OF  
FACT OF GROUND VII"; AND DOCUMENT #296:  
"MOTION FOR APPOINTED COUNSEL TO ASSIST  
IN 2255 CASE MOTION AND  
BRIEF/MEMORANDUM OF LAW IN SUPPORT OF  
MOTION BY BRIAN DAVID HILL."

by Brian David Hill

Case no. 1:13-cr-435-1; civil no. 1:22-CV-00074

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



In The  
**Court of Appeals**  
Of Virginia

**BRIAN DAVID HILL,**

*Petitioner,*

v.

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,**

*Respondent.*

**BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL  
INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE  
AT COURT OF APPEALS OF VIRGINIA**

**NOTICE OF APPEAL TO SUPREME COURT OF VIRGINIA**



Brian David Hill – Ally of Q  
Founder of USWGO Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505



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*Pro Se Appellant*

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## **NOTICE OF APPEAL**

Brian David Hill, the Petitioner who had filed a Petition for the Writ of Actual Innocence, and Appellant, pro se, hereby appeals to the Supreme Court of Virginia from the final judgment of this Court by final order entered March 1, 2022, denying and summarily dismissing Brian Hill's Petition for the Writ of Actual Innocence under Chapter 19.3 of Title 19.2 of the Code of Virginia by petition filed on February 3, 2022.

There are no transcripts as there was no hearing and no oral argument over the denial and dismissal of that Petition.

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant WHO IS INNOCENT, INNOCENT, and have his Federal Supervised Release revoked in 2019 and have Defendant pay legal fees but not give him the Due Process legal right under the U.S. Constitution and Virginia Constitution to challenge the wrongful conviction based on newly admissible evidence that wasn't admissible in 2019 at the time Defendant had withdrawn his appeal. That ruling deprived Petitioner of due process of law and deprived Petitioner of being free of cruel and unusual punishments inflicted. It is a cruel and unusual punishment inflicted to make even a criminal defendant spend any time in jail and to pay any legal fees when innocent. The Court of Appeals of Virginia

ignored the law which is not what a Court of Law is supposed to do. The Court of Appeals of Virginia ignored Virginia Code § 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth. The Court ignored the law and treated the law as if it doesn't even exist. That is terrible for a Court of Law to be ignoring the Law. The Court of Appeals of Virginia is ignoring a codified law on the books. They are ignoring the actual innocence of Brian David Hill by ignoring § 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth. The Court of Appeals of Virginia is ignoring the U.S. Constitution and Virginia Constitution because they are acting as though they are under admiralty law, LAW OF THE SEA, LAW OF THE ADMIRAL, LAW OF THE SHIP CAPTAIN. Acting under the CORPORATION called the UNITED STATES OF AMERICA in all caps instead of United States of America. They are acting outside of the Constitution and Courts of Law that act outside the Constitution are not acting within the Constitutional confines, they are null and void and have no validity within a Constitutional republic. They have no jurisdiction to make anybody pay legal fees if they will not provide due process of law to the very person they are encroaching upon. A Court is supposed to allow challenges to a fraud on the court. It is a fraud on the court to convict an innocent person. This Court is acting outside of the Constitutional confines and is acting outside of the law. Almost as if judges are being blackmailed here, I suspect either blackmail, threats, bribery, or anything behind the scenes. It is not normal for multiple Courts

all involving any cases I am involved in all seem to be repeating the ignoring of the laws and ignoring evidence as if somehow Brian David Hill is being treated differently than anyone else. It is discrimination and prejudice.

Whenever the Defendant had withdrawn his appeal, he never waived his right to prove his innocence or even his right to collaterally attack his criminal conviction based upon new evidence or future evidence or evidence which became admissible at a later time due to a change in Virginia Law. The Court is in the wrong and has deprived Brian David Hill of the Due Process of Law under the Fourteenth Amendment of the U.S. Constitution and Article I, Section 11 of the Virginia Constitution. Due process of law of the Virginia Constitution. This Court has deprived this Defendant and Petitioner of due process of law and neglect of duty. This Defendant and Petitioner has a CONSTITUTIONAL or LEGAL RIGHT to a New Trial by Jury or Actual Innocence Acquittal whenever new evidence surfaces showing the innocence of Brian David Hill, Brian is entitled to a NEW TRIAL by JURY or an ACTUAL INNOCENCE VERDICT. Withdrawing appeal does not take away all rights of Brian David Hill, he said in his Motion to Withdraw Appeal back in 2019 that he did not waive all rights and preserved some rights. That withdraw was supposed to only be technical but be allowed to be challenged upon enough evidence of Actual Innocence. A Court cannot just say they don't have jurisdiction to challenge a wrongful conviction but have the jurisdiction to make a

criminal Defendant pay legal fees and have a criminal record used against him. The Due Process Clause requires that they cannot demand money from me or anything without due process of law. That was not due process what the Court had entered today. This Court clearly has jurisdiction for overturning a wrongful conviction of an innocent person. Our founding fathers George Washington and Thomas Jefferson all emphasized as Christians that we should have a Constitutional right to be found not guilty or be found innocent of a crime when the new evidence demonstrates that. Defendant has read Virginia case law where new evidence can constitute a valid request for a new trial in a post-conviction motion. This Court has clearly IGNORED THE LAW and ignored the law repetitively. This is not a valid decision when there is clearly new evidence and new evidence which starts on the day which that evidence was made admissible under new law passed in 2021. I cannot be expected to file evidence in 2019 when at the time in 2019 that very evidence was inadmissible and treated like it is not legally valid. Now that the evidence is legally admissible and legally valid, it is NEW EVIDENCE and was not available at the time of withdrawing appeal. This Court is in the wrong and has deprived Defendant / Petitioner of due process of law and has exhibited CRUEL AND UNUSUAL PUNISHMENTS INFLICTED against somebody who lives off of SSI federal disability money; and is innocent of his crime. This is uncalled for.

If this Court doesn't have jurisdiction to overturn the Circuit Court's



wrongful conviction, then “who the hell does then?” as former Governor Jesse Ventura said in a press conference over a judicial decision. He said: “The Court said that I don’t have jurisdiction, well then who the hell does? Who the hell does then?” This Court permitted the wrongfully conviction of Brian David Hill of Indecent Exposure under § 18.2-387 but refuses to allow the criminal Defendant to challenge that wrongful conviction.

This is unconstitutional and if the Court does not have jurisdiction to allow Defendant / Petitioner to challenge his wrongful conviction; then maybe this Court or any other Court doesn’t have jurisdiction to make Defendant pay any legal fees either because forcing the Defendant to pay legal fees in this case is Unconstitutional and violates the Due Process clause of the Fourteenth Amendment as well as cruel and unusual punishment inflicted, when the Court refuses to allow the Defendant to even challenge his wrongful conviction. Due Process of Law is not one sided under the adversarial system. **Petitioner will sue Virginia for violating civil rights under Federal Law.** Either it has the jurisdiction to allow the Defendant to challenge why he should be forced to pay any legal fees for a crime he is innocent of, or the Court shouldn’t have jurisdiction to even enforce it since they refuse to give the Defendant to even challenge why he is being punished by this same Court. This is wrong.

Respectfully submitted with the Court, This the 1st day of March, 2022.



Brian D. Hill  
*Signed*

Brian D. Hill -

Brian D. Hill  
Petitioner

Appellant, pro se

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

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### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

The undersigned certifies as follows:

(1) The name and address of the Appellant/Petitioner is:

Brian David Hill – Ally of Q and Attorney Lin Wood

Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(2) Appellant is not represented by counsel at this time.



(3) The names of Appellees are:

Commonwealth of Virginia  
City of Martinsville

(4) The name, address, and telephone number of counsel for appellees' is:

1. Brandon Thomas Wrobleski, Esquire

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(5) A copy of this Notice of Appeal has been transmitted by fax/facsimile and transmitted by Roberta Hill (electronic filing representative) via email to the Court of Appeals of Virginia Clerk's Office, to the Supreme Court of Virginia Clerk's Office, to opposing counsel, and electronically filed by Roberta Hill (electronic

filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on March 1, 2022.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. A. John Vollino, Clerk of the Court Court of Appeals of Virginia Phone: (804) 786-5651 109 North Eighth Street Richmond, VA 23219-2321 Email: <a href="mailto:cavbriefs@vacourts.gov">cavbriefs@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage

without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed  
Brian D. Hill



Brian D. Hill  
Defendant  
Appellant, pro se  
Former news reporter of U.S.W.G.O. Alternative News  
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Where We Go One, We Go All

Freedom, Independence, the need for liberty and the rule of law.